Docket No. 1217.18407

ATENT AND TRADEMARK OFFICE

Serial No.:

In re application of: DeBraal et al. 10/674,274

Filed:

9/29/2003

For:

Headrest Linkage

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Group Art Unit: 3636 Examiner: unknown



TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 CFR 1.97(b))

"An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a NOTE: national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one NOTE: to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

"NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS NOTE ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any material referred to as being attached or enclosed) is being hand delivered to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: _2/09/2004

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NOTE:

"The term 'hational application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE:

"An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING:

"A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date _2/06/2004_

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Signature of Attorney of Record

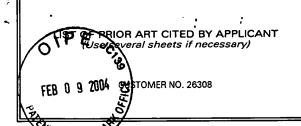
Daniel D. Ryan

Type or Print Name of Attorney of Record

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Milwaukee, Wisconsin 53226-0618



ATTY DOCKET NO. 1217.18407	SERIAL NO. 10/674,274
APPLICANT DeBraal et al.	
FILING DATE	GROUP 3636

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	Des. 170,305	9/1/1953	E.W. Claus			
	Des. 204,222	3/29/1966	Dailey, Donald E.			
	Des. 207,081	2/28/1967	Katzfey et al.			
	Des. 207,483	4/25/1967	Dottinger			
****	Des. 217,646	7/15/1879	S.B. Sherer			
	Des. 245,287	8/2/1977	Damico etal.			
	Des. 250,043	10/24/1978	Shine			
	Des. 263,777	4/13/1982	Thompson			
	Des. 265,241	6/29/1982	Patterson			
	Des. 265,242	6/29/1982	Patterson			
	Des. 266,023	8/31/1982	McLachlan			

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DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

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	Des. 266,765	11/2/1982	Clune			
	Des. 278,668	5/7/1985	Simpkins			
	Des. 282,398	1/28/1986	Yindra			
	Des. 286,481	11/4/1986	Case et al.			
	Des. 297,597	9/13/1988	Simpkins et al.			
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	Des. 319,158	8/20/1991	Jones et al.			
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	Des. 330,771	11/3/1992	Chaney et al.			
	Des. 330,813	11/10/1992	Spitzer et al.			,
	Des. 335,409	5/11/1993	Kellems			
	Des. 341,737	11/30/1993	Shepherd			
	Des. 344,802	3/1/1994	Kuck et al.			
	Des. 345,266	3/22/1994	Koguma			
	Des. 365,224	12/19/1995	Pohlman			
	Des. 370,572	6/11/1996	Lin			
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	Des. 408,537	4/20/1999	Stickley et al.			

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	Des. 408,538	4/20/1999	Simpkins et al.			-
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	487,625	12/6/1892	J.W. Kales			
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	2,606,801	8/12/1952	H.R. Shampaine			
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	3,409,287	11/5/1968	G.R. Chervenka			
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	4,540,165	9/10/1985	Green et al.			
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	4,552,403	11/12/1985	Yindra			
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	4,586,762	5/6/1986	Kennedy et al.			
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	4,600,248	7/15/1986	Pflieger			
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	4,608,812	9/2/1986	Wilson			
	4,653,129	3/31/1987	Kuck et al.			
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	4,858,260	8/22/1989	Failor et al.			
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	4,872,657	10/10/1989	Lussi			
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	4,916,725	4/10/1990	Quinter et al.			
	4,937,902	7/3/1990	Ceike Shapiro			
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	5,339,750	8/23/1994	Smies			
	5,345,632	9/13/1994	Langenaeken et al.			
	5,369,825	12/6/1994	Reesby			
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	5,426,795	6/27/1995	Harty			
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	5,538,215	7/23/1996	Hosey			
	5,564,662	10/15/1996	Lussi et al.			
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	5,568,209	10/22/1996	Priester et al.			
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	5,781,943	7/12/1998	Moenning et al.			
	5,855,207	1/5/1999	Moenning et al.			
	5,860,899	1/19/1999	Rassman			
	5,913,773	6/22/1999	Cox			

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	5,919,131	7/6/1999	Smoler et al.				
	5,924,960	7/20/1999	Cohen				
	5,926,876	7/27/1999	Haigh et al.				
	5,953,773	9/21/1999	Asada et al.				
	6,023,800	2/15/2000	Stickley				
	6,038,718	3/21/2000	Pennington et al.				
	6,073,284	6/13/2000	Borders				
	6,101,652	8/15/2000	Matern, Jr.				
	6,106,065	8/22/2000	Carroll				
	6,115,978	9/12/2000	Bastian et al.				
	6,131,214	10/17/2000	Moenning et al.				

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	6,173,461	1/16/2001	Alexander			
	6,202,230	3/20/2001	Borders	<u> </u>		
	6,209,463	4/3/2001	Koharchik et al.			
	6,212,713	4/10/2001	Kuck et al.			
	6,230,343	5/15/2001	Buiskool et al.			
	6,240,579	6/5/2001	Hanson et al.			
	6,256,812	7/10/2001	Bartow et al.			
	6,264,006	7/24/2001	Hanson et al.			
	6,276,012	8/21/2001	Borders			
	6,289,537	9/18/2001	Hopper et al.			
	6,295,671	10/2/2001	Reesby et al.			

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6,351,678	2/26/2002	Borders								
6,550,084	4/22/2003	Siepmann	et al.							
6,568,008	5/27/2003	Siepmann	et al.							
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	1.050.007	11/22/1027	I Conrad			

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	1,650,327	11/22/1927	I. Conrad			
	2,120,732	6/14/1938	A. Comper et al.			
	2,306,031	12/22/1942	W.E. Anderson etal.			
	2,538,993	1/23/1951	D.C. Travis			
	2,605,151	7/29/1952	H.R. Shampaine			
	3,041,121	6/26/1962	A. Comper			<u>.</u>
	3,215,834	11/2/1965	D.L. Tayman			
	3,355,163	11/28/1967	J.M. Leinassar		:	
	3,411,766		R.W. Lanigan			
	3,452,977	7/1/1969	A.J. Ryman			
	3,724,004	4/3/1973	Behrens			

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	3,754,749	8/28/1973	Lyon et al.			
	3,851,870	12/3/1974	Cook			
	3,868,103	2/25/1975	Pageot et al.			
	3,905,591	9/16/1975	Schorr et al.			
	3,967,128	6/29/1976	Smulewicz			
	3,997,792	12/14/1976	Conrad et al.			
	4,148,472	4/10/1979	Rais et al.			
	4,186,917	2/5/1980	Rais et al.			
	4,464,780	8/7/1984	Ruiz			
	4,589,124	5/13/1986	Ruiz			
	4,665,574	5/19/1987	Filips et al.			

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	4,761,000	8/2/1988	Fisher et al.			
	4,826,221	5/2/1989	Harmon			····
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			Royster et al.			-
	5,016,268	5/14/1991	Lotman			
	5,157,787	10/27/1992	Donnellan et al.			
	5,166,968	11/24/1992	Morse			
	5,231,719	8/3/1993	Schnelle			
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